IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 9713 of 2006(F)

PETITIONER:

---

1. M. SYAMALA, W/O. SURENDRAN,
   L.G.S. (GRADE II), N.A.S.C., KANHANGAD,
   PADANNAKAD P.O.

2. K.M. GEETHA, W/O. THAMBAN NAIR,
   L.G.S. (GRADE II), N.A.S.C., KANHANGAD,
   PADANNAKAD P.O.

3. T.V. SUDHEERAN, S/O. P.GOVINDAN,
   L.G.S. (GRADE II), N.A.S.C., KANHANGAD,
   PADANNAKAD P.O.

4. K. OMANA, W/O. M. CHANDU,
   L.G.S. (GRADE II), N.A.S.C., KANHANGAD,
   PADANNAKAD P.O.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:

---

1. STATE OF KERALA,
   REPRESENTED BY THE SECRETARY, HIGHER EDUCATION
   DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
   THIRUVANANTHAPURAM.

3. THE MANAGER,
   NEHRU ARTS AND SCIENCE COLLEGE, KANHANGAD,
   P.O. PADANNAKAD, KASARAGOD DISTRICT,PIN-671 328.

4. THE PRINCIPAL,
   NEHRU ARTS & SCIENCE COLLEGE, KANHANGAD,
   P.O. PADANNAKAD, KASARAGOD DISTRICT,PIN-671328.

5. KANNUR UNIVERSITY,
   MANGATTUPARAMBA P.O., REPRESENTED BY THE REGISTRAR

BY SR. GOVERNMENT PLEADER SRI. T.T. MUHAMOOD
ADV. SRI. K.JAJU BABU, SC, KANNUR UNIVERSITY
M.SASEENDRAN,SC,KANNUR UNIVERSITY
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 9713/06

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1.	COPY OF PROCEEDINGS OF THE 3RD RESPONDENT DT. 25.11.99 APPOINTING THE 1ST PETITIONER
EXT.P2.	COPY OF THE ORDER OF THE 3RD RESPONDENT DT. 25.11.99
EXT.P3.	COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DT. 1.8.00
EXT.P4.	COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT E1-583/2000(2)/ Re-Apt DT. 1.8.00
EXT.P5.	COPY OF THE LETTER SENT BY THE 4TH RESPONDENT TO THE 2ND RESPONDENT
EXT.P6.	COPY OF THE LETTER ISSUED BY 4TH RESPONDENT TO 2ND RESPONDENT DT. 17.8.00
EXT.P7.	COPY OF THEJUDGMENT DT. 7.9.99 IN O.P. 22567/99
EXT.P8.	COPY OF PROCEEDINGS OF 2ND RESPONDENT DT. 9.12.99
EXT.P9.	COPY OF THE G.O.(MS)No.100/2005/H.Edn. DT. 28.7.05.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 9713 OF 2006

Dated this the 20th day of July, 2007

J U D G M E N T

Petitioners claim that they have been appointed as Last Grade Employees (Gr.II) with effect from various dates between 1998 and 2000 in the college under the management of respondent No.3. Their grievance is that approval for their appointments is being denied without any valid or justifiable reasons.

2. I do not propose to deal with the various contentions raised by the petitioners in support of their plea that their appointments are liable to be approved by respondent No.2, in view of the limited prayer made by the learned counsel for the petitioners at the Bar. He submits that petitioners will be satisfied if an appropriate direction is issued to respondent No.2 to take a decision on Exts.P5 and P6 proposals forwarded by the Principal to respondent No.2.

3. In the counter affidavit it is contended by respondent No.2 that petitioners are not entitled to get any relief in the writ petition and that their appointments are not liable to be approved since they were appointed during the ban period. Secondly there were excess non-

teaching staff in the college at the time when the petitioners were appointed.

4. Anyhow, these are all matters which have to be considered by respondent No.2 at the time when a decision is taken on Exts. P5 & P6. It will open to respondent No.2 to take a decision in accordance with law after affording sufficient opportunity to the petitioners and the representative of the management to be heard. Respondent No.2 shall take a decision on Exts. P5 & P6, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. Petitioners shall produce a certified copy of the judgment along with a copy of the writ petition and the counter affidavit before respondent No.2 for compliance.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007